10580596 - GAU: 1638

Approved for use through 09/30/2007, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number	***************************************	10580596	
	Filing Date		2006-05-26	
INFORMATION DISCLOSURE	First Named Inventor Negro		retto	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		1638	
(NOTION SUBSIDIALITY OF IT 1.00)	Examiner Name			
	Attorney Docket Numb	er	70325USPCT	

				•••••	U.S.	PATENTS		•••••		••••••
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue [Date	Name of Pate of cited Docu	entee or Applicant ment	Relev	es,Columns,Lines where vant Passages or Relev res Appear	
	1		***************************************							
If you wisl	n to a	 dd additional U.S. Pate	 nt citatio	n inform	ation pl	ease click the	Add button.			
	••••		U.S.P	ATENT	APPLI	CATION PUBI	LICATIONS			
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publica Date	ation	Name of Pate of cited Docu	entee or Applicant ment	Relev	es,Columns,Lines where vant Passages or Relev es Appear	
	1									
If you wisl	n to a	dd additional U.S. Publi	shed Ap	plication	ı citatio	ı n information p	please click the Ad	d butto	on.	
	***************************************			FOREI	GN PAT	ENT DOCUM	ENTS	************		•••••
Examiner Initial*	Cite No	Foreign Document Number3	Country Code ² i		Kind Code4	Publication Date	Name of Patente Applicant of cited Document		Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T5
	1	2002/078437	wo			2002-10-10				
	2	2003/075655	wo			2003-09-18				
	3	1996/10083	wo			1996-04-04		•••••		
/Anr	re Kubi	 elik/	<u> </u>	•••••			<u> </u>	02/22/	<u> </u> 2008	L

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

			<u> </u>
Application Number		10580596	10580596 - GAU: 1638
Filing Date		2006-05-25	
First Named Inventor	Negr	otto	
Art Unit	······································	1638	
Examiner Name			
Attorney Docket Numb	er	70325USPCT	

	4	1998/44137	wo		1998-10-08			
	5	2004/039986	wo		2004-05-13			
	6	2003/013224	wo		2003-02-20			
	7	0142924	EP		1984-09-24			
If you wisl	h to ac	ld additional Foreign P	atent Document	citation	information pl	ease click the Add but	on	
			NON-PATE	NT LITE	RATURE DO	CUMENTS		
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.				T 5		
	1	Barth, Holger et al.,The uptake machinery of clostridial actin ADP-ribosylating toxins-a cell delivery system for fusion proteins and polypeptides drugs, Naunyn-Schmiedeberg's Arch Pharmacol (2002) 366: 501-512						
	2	Liao. et al., Toxicity of Bacillus thuringiensis insecticidal proteins for Helicoverpa armigera and Helicoverpa punctigera (Lepidoptera: Noctuidae), major pests of cotton, Journal of Invertebrate Pathology 80 (2202) 55-63						
300000000000000000000000000000000000000	3	Birren, B. et al., Mus musculus clone RP24-21711, Working draft sequence, 4 unordered pieces," Database accession 10. AC120140						
	4	Rothstein, Steven J., et al., Promoter cassettes, anti-biotic-resistance genes, and vectors for plant transformation. Gene (1987) 53: 153-161.						
	5	Umbeck, P., et al., Genetically transformed cotton (Gossypium hirsutum L.) plants. Biotechnology (1987) 5:263-266.						

/Anne Kubelik/

02/22/2008

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

		.	<u> </u>
Application Number		10580596	10580596 - GAU: 1638
Filing Date		2006-05-25	
First Named Inventor	Negro	otto	
Art Unit	•	1638	
Examiner Name			
Attorney Docket Numb	er	70325USPCT	

	б	Rajguru, S. N., et al., Assessment of resistance of cotton transformed with lectin genes to tobacco budworm (Heliothis virescens). Proceedings of the Beltwide Cotton Conference (1998) 1:490-491.						
	7	Database EMBL [Online] "Mus musculus clone RP23-182G17, LOW_PASS SEQUENCE SAMPLING", XP002318755 retrieved from EBI accession no. EM_PRO:AC101211 Positions 51663 - 51683, November 25, 2001						
	8	Database EMBL [Online] "Mus musculus BAC clone RP23-~307E9~from_chromosome 7, complete sequence." XP002318982 retrieved from EBI accession no. EM_PRO:AC131669 Positions 14695 - 14715, August 28, 2002						
	9	ANONYMOUS: "Application for license for dealings involving an intentional release into the environment DIR 036/2003, Title: Breeding and pre-commercial evaluation of transgenic cotton expressing a vegetative insecticidal protein (VIP) and a herbicide tolerance gene", INTERNET ARTICLE, [Online] October 2003, XP002318972 AUSTRALIA. Retrieved from the Internet: URL:http"//www.ogtr.gov.au/pdf/ir/dir036finalrarmp.pdf> 'retrieved on 2005-02-22						
	10	Rice, "Specific Primers for the Detection fo Vip3A insecticidal gene within a Bacillus thuringiensis collection" LETTERS IN APPLIED MICROBIOLOGY, Vol. 28, no. 5, May 1999 pgs. 378-382, XP002318971						
	11	Selvapandiyan et al., "Toxicity analysis of N-and C- terminus-deleted vegetative insecticidal protein from Bacillus thuringiensis" APPLIED AND ENVIRONMENTAL MICROBIOLOGY, Washington, DC, US Vol. 67, No. 12, December 2002 pgs. 5855-5858, XP002251845						
	12	Yu et al., "The Bacillus Thuringiensis Vegetative Insecticidal Protein VIP3A Lyses Midgut Epithelim Cells of Susceptible Insects", APPLIED AND ENVIRONMENTAL MICROBIOLOGY, Washington, DC, Vol. 63, No. 2, February 1997 pgs. 532-536, XP000673006						
If you wisl	h to ac	d additional non-patent literature document citation information please click the Add button						
EXAMINER SIGNATURE								
Examiner	Examiner Signature /Anne Kubelik/ Date Considered 02/22/2008							
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								
¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁹ Applicant is to place a check mark here if English language translation is attached.								

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	***************************************	10580596	10580596 - GAU: 1638
Filing Date		2006-05-25	
First Named Inventor	Negro	itto	
Art Unit		1638	
Examiner Name			
Attorney Docket Number		70325USPCT	

CERTIFICATION STATEMENT							
Plea	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):						
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).						
OR	:						
	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).						
	See attached cer	rtification statement.					
	Fee set forth in 3	7 CFR 1.17 (p) has been submitted herewith	l.				
\boxtimes	None						
4	:	SIGNAT		O Missas and Arm 4 4/3) for the			
A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.							
Sigr	nature	/Gregory W. Warren/	Date (YYYY-MM-DD)	2007-09-18			
Nan	Name/Print Gregory W. Warren Registration Number 48385						
pub 1.14	This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you						

require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria,**

VA 22313-1450.

10580596 - GAU: 1638

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a
 court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement
 negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a
 request involving an individual, to whom the record pertains, when the individual has requested assistance from the
 Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records
 may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant
 to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
 - A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.